

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference Co10403	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2005/002541	International filing date (day/month/year) 10.03.2005	Priority date (day/month/year) 25.03.2004
International Patent Classification (IPC) or national classification and IPC C08F2/44, C03C17/30, C08K9/06, C09C3/12, C09C1/28		
Applicant CONSORTIUM FÜR ELEKTROCHEMISCHE INDUSTRIE GMBH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of _____ sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input checked="" type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. 1

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-17 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-8 _____ received by this Authority on 04.10.2005 with letter
- nos.* _____ received by this Authority on of 26.07.2005
- ☐ the drawings:
- sheets _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☒ the claims, nos. 9, 10 _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims 1-8	YES
		Claims	NO
	Inventive step (IS)	Claims 1-8	YES
		Claims	NO
	Industrial applicability (IA)	Claims 1-8	YES
		Claims	NO
2.	Citations and explanations (Rule 70.7)		
1	Reference is made to the following document:		
	D1: S. ALTMANN, J. PFEIFFER; "The hydrolysis/condensation behaviour of methacryloyloxyalkylfunctional alkoxysilanes; structure-reactivity relations" MONATSHFTE FÜR CHEMIE, vol. 134, 12 June 2003 (2003-06-12), pages 1081-1092, XP002328645		
2	Novelty and inventive step		
2.1	Novelty of claims 1-8		
	The subject matter of claims 1-8 is novel under PCT Article 33(2) over the closest prior art D1. The distinguishing feature is that the average particle size of the particles P1 is smaller than 1000 nm.		
2.2	Inventive step in claims 1-8		
	The problem addressed is the provision of thermally or actinically curable coating systems with high mechanical hardness, improved scratch resistance, abrasion resistance and chemicals resistance in combination with good gloss properties. The closest prior art D1 gives no indications of any kind of this type of solution of the problem. The inventive solution of the problem is therefore not rendered obvious by D1. The subject matter of claims 1-8 therefore involves an inventive step under PCT Article 33(3).		
3	Industrial applicability		
	There is industrial applicability of the invention according to claims 1-8 under PCT Article 33(4). There are possible		

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

applications in the sector of coating of glass, metal, wood or plastics.

- 4 The requirements of PCT Article 33(1) on novelty, inventive step and industrial applicability are met.

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Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

Application No.
Patent No.Publication date
(day/month/year)Filing date
(day/month/year)Priority date (valid claim)
(day/month/year)

1 Reference is made to the following document:

D2: WO 2004/089961 A (CONSORTIUM FUER ELEKTROCHEMISCHE INDUSTRIE
GMBH; BRIEHN, CHRISTOPH; KO) 21 October 2004 (2004-10-21)

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure

Date of non-written disclosure
(day/month/year)Date of written disclosure
referring to non-written disclosure
(day/month/year)

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1 Consistency of description

The description is not consistent with the amended set of claims submitted with the letter of 26.07.2005. The precondition under PCT Rule 5(1)(iii) - disclosure of the invention in the description as claimed in the claims - is therefore not met.